

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. THOMAS & ST. JOHN

* * *

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Criminal No. 2022-20
v.)	
)	
TYRONE ORTIZ,)	
)	
Defendant.)	
_____)	

SUPPLEMENT TO MOTION TO DISMISS INDICTMENT
UNDER THE SECOND AMENDMENT

Mr. Ortiz, by and through his counsel, Kia D. Sears, Assistant Federal Defender, provides this supplement to his motion to dismiss to provide the Court with district court opinions issued after the filing of the motion to dismiss that found 18 U.S.C. 922(g)(1) unconstitutional and additional facts.

Two district courts in Illinois found the statute to be unconstitutional both on its face and as applied to the defendant. *See United States v. Prince*, 2023 WL 7220127 (N.D. Ill. Nov. 2, 2023); *United States v. Taylor*, 2024 WL 245557 (S.D. Ill. Jan. 22, 2024). Other district courts have found 18 U.S.C. § 922(g)(1) unconstitutional as applied to certain felons. *See United States v. Harper*, 2023 WL 5672311 (M.D. Pa. Sept. 1, 2023) (finding 922(g)(1) unconstitutional as applied to predicate offenses of armed robberies and drug trafficking); *United States v. Quailles*, 2023 WL 5401733 (M.D. Pa. Aug. 22, 2023) (felony drug offenses); *Williams v. Garland*, 2023 WL 7646490 (E.D. Pa. Nov. 14, 2023) (DUI); *United States v. Bullock*, 2023 WL 4232309 (S.D. Miss. June 28, 2023) (aggravated assault and manslaughter); *United States v. Jones*, 2024 WL 86491 (S.D. Miss. Jan. 8, 2024) (felony drug offenses); *United States v. Leblanc*, 2023 WL 8756694 (M.D. La. Dec. 19, 2023) (armed robbery and theft).

Additionally, Mr. Ortiz filed a motion to suppress the statements he made on the day of his arrest. *See* ECF #24. In his recorded statement to officers, Mr. Ortiz stated that the firearms were possessed for self-defense.

Dated: February 6, 2024

Respectfully submitted,

s/ Kia D. Sears
KIA D. SEARS, ESQUIRE
Assistant Federal Defender
1336 Beltjen Gade, Suite 202
St. Thomas, VI 00802
Tel (340) 774-4449
Fax (340) 776-7683
E-mail: kia_sears@fd.org